

UNITED STATES DISTRICT COURT

For the  
District of Rhode Island

WELLS FARGO BANK, NATIONAL ASSOCIATION of  
TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS  
TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES,  
SERIES 2004-OPT1

Plaintiff

vs.

C.A. No. 22-cv-238

ROBERT W. CLARK; ROBERT O. CLARK;  
COASTWAY CREDIT UNION,

Defendant

**ANSWER OF DEFENDANT**

1. The defendant is without sufficient information to admit or deny the allegations of paragraph 1 and leave the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
2. Admitted.
3. Admitted.
4. The defendant is without sufficient information to admit or deny the allegations of paragraph 4 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
5. Admitted.
6. Admitted.
7. The defendant is without sufficient information to admit or deny the allegations of paragraph 7 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

8. The defendant is without sufficient information to admit or deny the allegations of paragraph 8 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
9. Admitted.
10. Admitted.
11. Admitted
12. Admitted.
13. The defendant is without sufficient information to admit or deny the allegations of paragraph 13 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
14. The defendant is without sufficient information to admit or deny the allegations of paragraph 14 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
15. The defendant is without sufficient information to admit or deny the allegations of paragraph 15 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
16. The defendant is without sufficient information to admit or deny the allegations of paragraph 16 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
17. Admitted.
18. The defendant is without sufficient information to admit or deny the allegations of paragraph 18 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

19. The defendant is without sufficient information to admit or deny the allegations of paragraph 19 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

20. The defendant is without sufficient information to admit or deny the allegations of paragraph 20 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

21. The defendant is without sufficient information to admit or deny the allegations of paragraph 21 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

22. Admitted.

23. The defendant is without sufficient information to admit or deny the allegations of paragraph 23 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

#### COUNT 1

24. No answer needed.

25. The defendant is without sufficient information to admit or deny the allegations of paragraph 25 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. The defendant is without sufficient information to admit or deny the allegations of paragraph 30 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
31. The defendant is without sufficient information to admit or deny the allegations of paragraph 31 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
32. The defendant is without sufficient information to admit or deny the allegations of paragraph 32 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
33. The defendant is without sufficient information to admit or deny the allegations of paragraph 33 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
34. The defendant is without sufficient information to admit or deny the allegations of paragraph 34 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
35. The defendant is without sufficient information to admit or deny the allegations of paragraph 35 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
36. The defendant is without sufficient information to admit or deny the allegations of paragraph 36 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

37. The defendant is without sufficient information to admit or deny the allegations of paragraph 37 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
38. The defendant is without sufficient information to admit or deny the allegations of paragraph 38 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
39. The defendant is without sufficient information to admit or deny the allegations of paragraph 39 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
40. The defendant is without sufficient information to admit or deny the allegations of paragraph 40 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.
41. The defendant is without sufficient information to admit or deny the allegations of paragraph 41 and leaves the plaintiff to its proof. To the extent an answer is required, the allegation should be considered denied.

#### **AFFIRMATIVE DEFENSES**

NOW COMES the Defendant, by and through counsel and serve the following

Affirmative Defenses:

#### **FIRST AFFIRMATIVE DEFENSE**

1. As a first, separate and affirmative defense of to Plaintiff's Complaint, Defendant asserts the defense of failure of consideration.

#### **SECOND AFFIRMATIVE DEFENSE**

2. As a second, separate and affirmative defense to Plaintiff's Complaint, Defendant asserts the defense of lack of standing.

**THIRD AFFIRMATIVE DEFENSE**

3. As a third, separate and affirmative defense to Plaintiff's Complaint, Defendant alleges that Plaintiff breached said contract by its own non-performance of the terms therein, and are thereby prevented from recovering under said contract.

**FOURTH AFFIRMATIVE DEFENSE**

4. As a fourth, separate and affirmative defense to Plaintiff's Complaint, Defendant alleges that Plaintiff has failed to state claims upon which relief can be granted.

**FIFTH AFFIRMATIVE DEFENSE**

5. As a fifth, separate and affirmative defense to Plaintiff's Complaint, Defendant asserts the defense of estoppel.

WHEREFORE, Defendant requests judgment in his favor and such further relief as may be appropriate.

Defendant  
Robert W. Clark, et al,  
By his attorneys,  
/s/RUSSELL D. RASKIN BC#1880  
Raskin & Berman  
116 East Manning Street  
Providence, RI 02906  
(401) 421-1363

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on July 12, 2022, I forwarded a copy of the foregoing by regular mail, postage pre-paid to:

Jason MacKeen, Esquire  
Orlans PC  
PO Box 540540  
Waltham, MA 02454

/s/DAWN PEMENTAL